IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33427 of 2007(D)

PETITIONER:

DR. KUSALA RAJENDRAN, W/O.
DR. C.P.RAJENDRAN, SCIENTIST E2, CENTRE FOR EARTH SCIENCE STUDIES, THIRUVANANTHAPURAM, RESIDING AT 33/1273, "VASUDHA", VATTIYOORKKAVU P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH

RESPONDENTS:

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1. CENTRE FOR EARTH SCIENCE STUDIES, REPRESENTED BY ITS DIRECTOR, AKKULAM, THIRUVANANTHAPURAM-31.

2. THE DIRECTOR, CENTRE FOR EARTH SCIENCE STUDIES, AKKULAM, THIRUVANANTHAPURAM-31.

3. THE KERALA STATE COUNCIL FOR SCIENCE, TECHNOLOGY & ENVIRONMENT, REPRESENTED BY ITS EXECUTIVE VICE-PRESIDENT, SASTHRABHAVAN, PATTOM PALACE P.O., THIRUVANANTHAPURAM-04.

4. THE EXECUTIVE VICE-PRESIDENT, KERALA STATE COUNCIL FOR SCIENCE, TECHNOLOGY & ENVIRONMENT, SASTHRABHAVAN, PATTOM PALACE P.O., THIRUVANANTHAPURAM-04.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 33427 of 2007

Dated this the 14th November, 2007

J U D G M E N T

Petitioner who was earlier employed as Scientist EII in the Centre for Earth Science Studies, Thiruvananthapuram claimed, on completion of five years that she is entitled to promotion to the post of Scientist F. Promotion was not granted to her and in the meanwhile, she submitted an application for leave without allowances which was not granted. Petitioner, therefore, submitted an application for resignation. It is now admitted that the petitioner's resignation has been accepted. She has joined the Indian Institute of Sciences, Bangalore. Pursuant to Exhibit -P5 judgment 2nd respondent issued an order stating that if the petitioner's resignation is not accepted by the competent authority then her claim for promotion to the post of Scientist F shall be considered as per rules. Petitioner then submitted Exhibit-P7 requesting the Director to place her claim before the Managing Committee. The issue is to be considered by the Managing Committee.

2. I heard learned counsel for the petitioner and the learned Government Pleader also.

3. In the facts and circumstances of the case, this writ petition is disposed of directing the 3rd respondent to place the petitioner's claim as contained in Exhibit-P7 before the Managing Committee, which shall take a decision, with reference to the situation prevailing prior to the submission of resignation by the petitioner. Such decision shall be taken, within three months from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007